

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

WP(C).No. 18436 of 2007(T)

PETITIONER:

P.VIJAYALAKSHMI, AGED 53 YEARS,
W/O BALAN, 'KARTHIKA', PARAMBIL BAZAR,
KOZHIKODE DIST.

BY ADV. SRI.G.HARIHARAN
SRI.PRAVEEN.H.

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE
DEPUTY SECRETARY, GENERAL EDUCATION (G) DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.
2. JOINT COMMISSIONER FOR GOVERNMENT
EXAMINATIONS, PAREEKSHA BHAVAN,
POOJAPURA, THIRUVANANTHAPURAM.

BY GOVT.PLEADER SRI.A.J.VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

Dated this the 19th day of July, 2007.

J U D G M E N T

Petitioner is a retired Sales Tax Officer. She seeks to quash Ext.P6 order of the Government rejecting her request for correction of her date of birth in school records/SSLC book. According to the petitioner her actual date of birth is March 10, 1954. But in the school records the date was shown as February 5, 1952.

2. As mentioned earlier, petitioner has retired from service on February 28, 2007 but still she wants to pursue her cokes for correction of her date of birth. The Government had considered the various contentions urged by the petitioner in Ext.P5 appeal. It was noticed by the Government that petitioner was admitted in Standard I on September 14, 1956 and her date of birth furnished at that time was February 5, 1952. The Government also noticed that if the date of birth of the petitioner as alleged by her (March 10, 1954) were to be accepted, she would have been hardly 2 ½ years old as on the date of her admission in the school (14/9/1956). This was one of the aspects which weighed with the Joint Commissioner for Government Examinations while rejecting her request as could be seen from Ext.P4.

3. In this context it is also pertinent to note that the Government had condoned the delay in filing the application for correction of date of birth in her school records, by Ext.P2 order dated April 23, 1993. But the petitioner had kept quiet for more than

12 years thereafter. She submitted the application for correction before the Commissioner for Government Examinations only on December 26, 2005. The delay has not been explained by the petitioner satisfactorily at all. Though a vain attempt has been made by the petitioner to explain the cause for delay by contending that she could collect the requisite records only in the year 2003 for making the application before the Commissioner, I am not satisfied with the above explanation. Petitioner had shown palpable lapse in taking necessary action to approach the Commissioner for correction from 1993 till 2005.

4. It has been repeatedly held by the Apex Court and this Court in several decisions that the attempt of the employees to get their date of birth corrected at the fag end of their career should be discouraged (See State of Tamil Nadu v. Venugopalan, AIR 1995 SC 1499 and Union of India v. Ram Sua Shema, AIR 1996 SC 1000).

5. Having carefully examined the materials on record I do not find any illegality or infirmity in Ext.P6 order issued by the Government rejecting the request of the petitioner for correction of her date of birth. There is no merit in any of the contentions raised by the petitioner.

Writ Petition fails and it is accordingly dismissed.

A.K. Basheer
Judge.

an.